IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

Bail Appl..No. 6514 of 2007

(IN EXCISE CR. NO. 25/2007 OF KOLLENGODE EXCISE RANGE)
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PETITIONER/FIRST ACCUSED:

VELLYINGIRI, S/O.THANGAVELU GOUNDER,
AGED 45 YEARS, PANNADIKATTIL, CHEMMANAMPATHY,
MUTHALAMADA, PALAKKAD.

BY ADV. SRI.V.SANTHARAM
SRI.ANTO THOMAS

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY EXCISE INSPECTOR, KOLLENGODE EXCISE RANGE
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6514 of 2007

Dated this the 29th day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. 3 litres of arrack, 261 litres of wash and utensils for distillation were allegedly recovered from the possession of the petitioner. He is arrayed as the 1st accused. He was arrested and continues in custody from 31.08.07. Investigation is in progress. Final report has admittedly not been filed. The learned Public Prosecutor reports that the petitioner has no history of any criminal antecedents.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner is entitled to be enlarged on bail now. I take note of the fact that the arrest was on 31.08.07 and even till today ie. 29.10.07, the final report/charge sheet has admittedly not been filed. The petitioner is certainly entitled for bail by default.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-